

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chanan Berkovits	Team: Team # 4	CCRB Case #: 201111330	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 08/28/2011 11:00 PM	Location of Incident: 25 Chester Place and 120th Precinct stationhouse	Precinct: 120	18 Mo. SOL 2/28/2013	EO SOL 2/28/2013	
Date/Time CV Reported Mon, 08/29/2011 1:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/02/2011 12:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Defeo	19936	936449	PBSI TF
2. POM Jason Goodman	18413	943315	PBSI TF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Lamatina	01553	938809	PBSI TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Defeo	Force: Christopher Defeo pointed his gun at § 87(2)(b)	
B.POM Jason Goodman	Force: PO Jason Goodman pointed his gun at § 87(2)(b)	
C.POM Jason Goodman	Force: PO Jason Goodman used physical force against § 87(2)(b)	
D.POM Christophe Defeo	Force: PO Christopher Defeo used physical force against § 87(2)(b)	
E.POM Christophe Defeo	Abuse: PO Christopher Defeo did not obtain medical treatment for § 87(2)(b)	

Case Summary

§ 87(2)(b) filed a complaint with Internal Affairs on behalf of her brother, § 87(2)(b) on August 29, 2011, generating log number 11-39577 (encl. 11-12). This complaint was received by the CCRB on September 2, 2011 (encl. 13-14).

On August 28, 2011, PO Christopher Defeo arrested § 87(2)(b) at 25 Chester Place in Staten Island. The following allegations resulted.

- **Allegation A – Force:** PO Christopher Defeo pointed his gun at § 87(2)(b)
- **Allegation B – Force:** PO Jason Goodman pointed his gun at § 87(2)(b) § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
- **Allegation C – Force:** PO Jason Goodman used physical force against § 87(2)(b)
- **Allegation D – Force:** PO Christopher Defeo used physical force against § 87(2)(b)
§ 87(2)(b) Because § 87(2)(g) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- **Allegation E – Abuse of Authority:** PO Christopher Defeo did not obtain medical treatment for § 87(2)(b) § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

This case was reassigned to Investigator Chanan Berkovits on January 11, 2012 after the resignation of Investigator Jessica Welker.

Results of Investigation

Civilian Statements

Complainant: § 87(2)(b)

§ 87(2)(b) provided a phone statement to Internal Affairs on August 29, 2011 (encl. 11-12). § 87(2)(b) was informed by § 87(2)(b) that he was standing near the intersection of Chester Place and Cebra Avenue in Staten Island when approximately eight plainclothes officers approached him. The officers struck § 87(2)(b) with closed fists, batons, and guns. § 87(2)(b) sustained a contusion to his head and a laceration to his lip.

Victim: § 87(2)(b)

- § 87(2)(b)
§ 87(2)(b)

Arrest Photos

§ 87(2)(b)'s arrest photos (encl. 18-19) show that he has a laceration on the left side of his forehead and his right cheek. He has a bump on the right side of his forehead.

CCRB Testimony

§ 87(2)(b) was interviewed at the § 87(2)(b) at Riker's Island on September 27, 2011 (encl. 15-17). On August 28, 2011, at approximately 11:00 p.m. § 87(2)(b)

§ 87(2)(b) was driving by himself toward his home located at § 87(2)(b) in Staten Island. § 87(2)(b) was driving his vehicle, which he had bought from his cousin. § 87(2)(b) did not know to whom the vehicle was registered. He did not know the license plate number of the vehicle. The vehicle was a 2007 gray Lexus.

§ 87(2)(b) was driving on Chester Place near Cebra Avenue, when a black Impala stopped in front of § 87(2)(b)'s vehicle, and a second Impala stopped behind § 87(2)(b)'s vehicle. Two police officers, identified through the investigation as PO Christopher Defeo and PO Jason Goodman of Patrol Borough Staten Island Task Force, exited the Impala in front of § 87(2)(b)'s vehicle. PO Goodman and PO Defeo drew their guns and pointed them at § 87(2)(b). § 87(2)(b) did not make any movements in the vehicle or reach for any objects. § 87(2)(b) immediately put his hands up in the air. PO Goodman approached the driver's side of § 87(2)(b)'s vehicle and PO Defeo approached the passenger side of the vehicle. PO Goodman was a bald white male with a husky build and a pointy nose who stood approximately 6'0" tall and was in his 30s. PO Defeo was a white male in his 20s with an average build who stood approximately 5'9" tall.

PO Defeo struck the front passenger window of the vehicle with a metal stick, and the glass shattered inside of the vehicle. PO Goodman opened the driver's side door and grabbed § 87(2)(b) by the neck. While holding his neck, PO Goodman pulled § 87(2)(b) out of the vehicle and pushed him facedown onto the ground. § 87(2)(b) had his hands behind his back on the ground and he did not resist. PO Defeo and PO Goodman held § 87(2)(b) in that position on the ground. While § 87(2)(b) was face down on the ground, PO Goodman kned him in the left side of his face approximately six to seven times. PO Defeo kned § 87(2)(b) on the right side of his face approximately two times. The officers said to § 87(2)(b) "Stop resisting." The officers also told § 87(2)(b) to put his hands behind his back. § 87(2)(b) said that his hands were already behind his back. The officers handcuffed § 87(2)(b) and approximately four patrol vehicles arrived. Officers lifted § 87(2)(b) up and placed him into a patrol vehicle.

At approximately 5:00 a.m. § 87(2)(b)'s arresting officer, a white male with a slim build who stood approximately 5'9" tall, and was approximately 32 years old, questioned § 87(2)(b) at the 120th Precinct stationhouse. While § 87(2)(b) stated that this officer was in the Impala stopped behind § 87(2)(b)'s vehicle, the investigation determined that the officer at the stationhouse to whom § 87(2)(b) spoke was also PO Defeo. § 87(2)(b) told PO Defeo that he needed to see a doctor. PO Defeo said that § 87(2)(b) did not need a doctor. PO Defeo made § 87(2)(b) sign a form. § 87(2)(b) later realized that the form stated that § 87(2)(b) refused medical attention. Later, when PO Defeo was fingerprinting him, § 87(2)(b) said that he needed to see a doctor. PO Defeo ignored § 87(2)(b)'s request.

§ 87(2)(b) sustained lacerations all over his face and a bump on the left side of his forehead. He sustained these injuries when he was kned in the face. When § 87(2)(b) went to Riker's Island, he saw a doctor. He was not treated for any injuries that he sustained on August 28, 2011, but he told the doctor that he was beat up by police officers. He was charged with criminal possession of stolen property.

NYPD Statements:

Subject Officer: PO CHRISTOPHER DEFE0

- *PO Christopher Defeo is a § 87(2)(b) old white male who stands 5'8" tall, weighs 135 pounds, and has brown hair and brown eyes.*
- *On August 28, 2012, PO Defeo worked in uniform from 6:00 p.m. to 2:00 a.m. with PO Lamatina. He was assigned to the auto larceny unit, and operating out of a black Chevrolet*

Impala.

Arrest Report

The arrest report which PO Defeo prepared for § 87(2)(b) (encl. 20-22) records that § 87(2)(b) was observed driving a stolen vehicle. When officers attempted to stop § 87(2)(b) he fled. When apprehended, § 87(2)(b) flailed his arms and legs in an attempt to prevent arrest. § 87(2)(b) had a suspended license. An inventory search of the vehicle recovered marijuana. Physical force was used against § 87(2)(b) in order to prevent his escape. § 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Medical Treatment of Prisoner Form

The medical treatment of prisoner form which PO Defeo prepared for § 87(2)(b) (encl. 23) records that § 87(2)(b) had marks and bruising on his face and arms. § 87(2)(b) refused medical attention at the stationhouse. § 87(2)(b) signed this form.

Property Voucher

The property voucher PO Defeo prepared for § 87(2)(b) (encl. 24-25) records that § 87(2)(b) was in possession of a § 87(2)(b). The vehicle had a broken passenger's side window. The registered owner was § 87(2)(b).

Memo Book Entries

PO Defeo's memo book (encl. 31-32) records that at 11:05 p.m. there was a vehicle stop in front of 25 Chester Place. The vehicle was a § 87(2)(b). At 11:10 p.m. § 87(2)(b) was arrested for § 87(2)(b). At 11:17 p.m., § 87(2)(b) was taken to the 120th Precinct. At 4:08 a.m. an ambulance was called for a sick prisoner. At 4:45 a.m. the prisoner refused medical attention.

CCRB Testimony

PO Defeo was interviewed at the CCRB on April 16, 2012 (encl. 33-36). On August, 28, 2011 at approximately 11:05 p.m., PO Defeo and PO Lamatina were looking for specific stolen vehicles with which they were familiar, and they decided to separate so that they could patrol different areas and radio each other if one of them observed a stolen vehicle. They contacted PO Goodman, who was supposed to be working solo patrol. PO Lamatina took PO Goodman's vehicle, and PO Goodman rode in PO Defeo's vehicle.

PO Lamatina radioed to PO Defeo and informed him that he was following a stolen Lexus sport utility vehicle, with a license plate number that matched that of a vehicle on the auto larceny unit's list of stolen vehicles. PO Lamatina provided a description of the vehicle and it matched the description on the list. PO Defeo observed a vehicle matching the description and plate number which PO Lamatina provided driving on Cebra Avenue in Staten Island. PO Lamatina was following the vehicle. PO Lamatina's vehicle had its turret lights on. The stolen vehicle was driving towards PO Defeo's vehicle. The driver of the stolen vehicle, known to the CCRB as § 87(2)(b) observed PO Defeo and PO Goodman's vehicle and turned onto Chester Place. PO Lamatina continued to follow § 87(2)(b) PO Defeo and PO Goodman also drove down Chester Place.

Chester Place ends in a cul-de-sac, so § 87(2)(b) had to turn around and head directly towards PO Defeo's vehicle. PO Defeo stopped his vehicle in front of § 87(2)(b)'s vehicle to stop him. PO Lamatina's vehicle stopped behind § 87(2)(b)'s vehicle and prevented him from driving back the way he had come. PO Defeo and PO Goodman exited their vehicle, drew their guns, and pointed them at § 87(2)(b). PO Lamatina exited his vehicle, and pointed his gun at § 87(2)(b). PO Defeo approached the stolen vehicle on the passenger's side, and PO Goodman approached on the driver's side. PO Defeo drew his gun because § 87(2)(b) had committed a felony by stealing the vehicle, because he had fled from officers, and because PO Defeo was standing almost directly in front of the large vehicle. These factors caused PO Defeo to fear for his safety. There was no indication that § 87(2)(b) had a weapon inside the vehicle, but the vehicle itself could be used as a weapon.

PO Defeo told § 87(2)(b) approximately 3-4 times to exit the vehicle, but § 87(2)(b) did not comply. PO Goodman and PO Lamatina told § 87(2)(b) to exit as well. § 87(2)(b) did not respond. § 87(2)(b) was looking around and moving inside the vehicle. PO Defeo tried to enter the vehicle, but the door was locked. PO Defeo did not know if PO Goodman or PO Defeo tried to open the doors. The stolen vehicle was large and it was difficult to see what was happening on the opposite side of it. Additionally, there was a blackout at the time, and there were no lights by which to see. PO Defeo holstered his gun and removed his asp. PO Defeo broke the window of the passenger side of the vehicle with his asp. As PO Defeo broke the window, he asked § 87(2)(b) to turn the vehicle off and exit it. § 87(2)(b) did not comply with PO Defeo's commands. PO Defeo reached through the broken window and unlocked the doors. PO Goodman pulled § 87(2)(b) out of the driver's side of the vehicle. PO Defeo could not see what contact PO Goodman made to pull § 87(2)(b) out of the vehicle. PO Defeo did not grab § 87(2)(b) by the neck, and he did not see any officer grab § 87(2)(b) by the neck. PO Goodman brought § 87(2)(b) to the ground facedown because he had refused to exit the vehicle, and the officers needed to bring him to the ground in order to restrain him.

PO Defeo put away his asp, and went to the driver's side of the vehicle. § 87(2)(b) was kicking and flailing his arms. PO Goodman and PO Lamatina were on top of § 87(2)(b)'s back. PO Lamatina and PO Goodman were attempting to grab § 87(2)(b)'s arms and place them behind his back, but § 87(2)(b) pulled his arms away from them. PO Lamatina and PO Goodman told § 87(2)(b) to stop resisting and to put his hands behind his back. PO Lamatina and PO Goodman wrestled with § 87(2)(b)'s arms until they were able to pull them behind his back. PO Defeo did not strike § 87(2)(b) with his knee or any other part of his body. He did not see any officer strike § 87(2)(b) with a knee. PO Defeo did not have any physical contact with § 87(2)(b). The officers did not have any other interaction with § 87(2)(b) at the arrest location. § 87(2)(b) did not appear to be injured at the location of his arrest.

PO Defeo did not recall if he fingerprinted § 87(2)(b) at the 120th Precinct stationhouse. § 87(2)(b) complained about a bruise to his head, which PO Defeo observed. § 87(2)(b) did not have any other injuries. At the time of his interview, PO Defeo was shown that § 87(2)(b)'s arrest photo shows that he also had scratches on his cheek. PO Defeo stated that § 87(2)(b) complained about these injuries as well. At the time of his interview, PO Defeo was shown that the medical treatment of prisoner form which he prepared for § 87(2)(b) records that § 87(2)(b) had injuries to his face and arm. PO Defeo did not recall seeing any injuries to § 87(2)(b)'s arm. PO Defeo did not recall how § 87(2)(b) sustained these injuries, but he assumed they were sustained when § 87(2)(b) was brought to the ground. During the arrest processing, PO Defeo called an ambulance and asked § 87(2)(b) if he needed medical treatment for these injuries. § 87(2)(b) said that he did not need medical treatment. PO Defeo was present when § 87(2)(b)'s arrest was entered into the command log. At the time of his interview, PO Defeo was shown that the command log entry records that § 87(2)(b)'s

physical condition was good. Initially during his interview, PO Defeo said that he could not explain this inconsistency because the desk sergeant is tasked with making the command log entry. Later in his interview, PO Defeo stated that the fact that § 87(2)(b) had a bruise did not mean that his physical condition was not good.

Subject Officer: PO JASON GOODMAN

- PO Jason Goodman is § 87(2)(b) old. He is a white male who stands 6'4" tall, weighs 230 pounds, has blue eyes and is bald.
- On August 28, 2012, PO Goodman worked in uniform from 5:30 p.m. to 2:05 a.m. He was assigned to the Auto Larceny Unit for Staten Island and was working alone in a black Chevrolet Impala.

Memo Book Entries

PO Goodman's memo book (encl. 37-38) records that at 10:30 p.m., he interrupted his patrol at the intersection of Cebra Avenue and Rosewood Place because of a grand larceny auto investigation. At 11:10 p.m., PO Defeo arrested one individual for § 87(2)(b). He was brought to the stationhouse for arrest processing.

CCRB Testimony

PO Goodman was interviewed at the CCRB on May 2, 2012 (encl. 39-41A). On August 28, 2011, at approximately 10:30 PM, PO Lamatina took PO Goodman's vehicle, and PO Goodman rode in PO Defeo's vehicle. Less than an hour after the officers switched vehicles, PO Goodman and PO Defeo received a call from PO Lamatina who stated that he was following a stolen vehicle on Cebra Avenue. PO Goodman and PO Defeo drove down Chester Place to Cebra Avenue. The stolen vehicle was driving towards PO Goodman and PO Defeo's vehicle, and the officers turned their vehicle horizontally across Cebra Avenue in order to block the intersection. The stolen vehicle turned up Chester Place. Chester place ends in a cul-de-sac, and the stolen vehicle made a U-turn and drove back towards PO Goodman and PO Defeo. The officers again maneuvered their vehicle in order to block the intersection. The stolen vehicle stopped approximately 2-3 feet away from the officers' vehicle.

PO Goodman exited his vehicle and drew his gun. There were no streetlights in the area where the stolen vehicle was stopped, and PO Goodman could not see the driver, known to the CCRB as § 87(2)(b)s, hands, what motions he was making, or how many individuals were in the vehicle. These facts coupled with the fact that PO Goodman was investigating a grand larceny auto felony, caused PO Goodman to fear for his safety, and therefore, he drew his gun. PO Goodman suspected that § 87(2)(b) was armed because he could not see § 87(2)(b)s hands. PO Goodman did not recall if PO Defeo or PO Lamatina drew their guns. PO Goodman approached the driver's side of the stolen vehicle, and PO Defeo approached the passenger's side. PO Goodman repeatedly instructed § 87(2)(b) to turn the vehicle off and show the officers his hands. § 87(2)(b) did not comply with these instructions. PO Goodman did not tell § 87(2)(b) to exit the vehicle. § 87(2)(b) opened the driver's side door of the stolen vehicle and exited it. PO Goodman pointed his gun inside the vehicle until § 87(2)(b) exited. When § 87(2)(b) exited, PO Goodman was able to observe § 87(2)(b)s hands, so PO Goodman holstered his gun. PO Goodman did not grab § 87(2)(b) by the neck and pull him out of the vehicle. PO Goodman did not have any physical contact with § 87(2)(b) as he was exiting the vehicle.

§ 87(2)(b) pushed PO Goodman in the chest and began to flee. PO Goodman attempted to jump on § 87(2)(b)s back in an effort to tackle him. § 87(2)(b) ducked so that PO Goodman would miss him. PO Goodman was able to wrap both of his arms around § 87(2)(b).

§ 87(2)(b) back and torso. PO Goodman and § 87(2)(b) fell to the ground. § 87(2)(b)'s whole body and face made contact with the ground. PO Goodman landed on top of § 87(2)(b). Initially during his interview, PO Goodman stated that while on the ground, § 87(2)(b) repeatedly moved his hands back and forth from his belt to his pants. Later in his interview, PO Goodman stated that § 87(2)(b) put himself into a push-up position to try and push PO Goodman off of him. PO Goodman placed his elbow and his knee on § 87(2)(b)'s lower back in order to prevent § 87(2)(b) from standing. PO Goodman ordered § 87(2)(b) to give him his hands, but § 87(2)(b) kept them under his body. Each time that PO Goodman grabbed for § 87(2)(b)'s arms, § 87(2)(b) pulled them away from PO Goodman. Eventually, PO Goodman pulled § 87(2)(b)'s arms forcefully enough to get them behind § 87(2)(b)'s back and handcuff him. PO Lamatina assisted PO Goodman in handcuffing § 87(2)(b) but PO Goodman did not recall how PO Lamatina assisted him.

PO Goodman drove the stolen vehicle back to the 120th Precinct stationhouse. While driving, PO Goodman observed that one of the vehicle's windows was broken, and there was glass in the vehicle. PO Goodman did not see any officer break the window. PO Goodman did not observe § 87(2)(b) at the stationhouse. He did not see any officer interact with § 87(2)(b) at the stationhouse. PO Goodman never struck § 87(2)(b) with his knee or any other part of his body, and he did not see any officer strike § 87(2)(b) with a knee or other part of his body. PO Goodman did not have any contact with § 87(2)(b)'s face, and he did not see any officer have contact with his face. § 87(2)(b) never appeared to be injured, and he never complained to PO Goodman of any injuries. PO Goodman did not hear § 87(2)(b) complain to any officers about injuries. § 87(2)(b) never asked PO Goodman or any officer for medical treatment. No officer ever offered medical treatment to § 87(2)(b). At the time of his interview, PO Goodman was shown that § 87(2)(b)'s arrest photo documents that he had injuries to his face. PO Goodman did not observe these injuries at any time, and he could not explain how § 87(2)(b) sustained these injuries. At the time of his interview, PO Goodman was shown that § 87(2)(b)'s arrest report records that § 87(2)(b) was kicking and flailing his arms. PO Goodman stated that the flailing referred to when § 87(2)(b) pushed him and when he pulled his arms away from PO Goodman. PO Goodman also stated that § 87(2)(b) was kicking while on the ground.

Witness Officer: PO JOHN LAMATINA

- *PO John Lamatina is § 87(2)(b) old. He is a white male who stands 6'0" tall, weighs 205 pounds, and has brown hair and brown eyes.*
- *On August 28, 2012, PO Lamatina worked in uniform from 6:00 p.m. to 2:00 a.m. with PO Defeo and PO Goodman. He was assigned to the auto larceny division and was operating out of a black Chevrolet Impala.*

UF61

On June 6, 2012, PO Lamatina prepared a UF61 documenting that he was unable to locate the memo book pertaining to this incident (encl. 41B-41C). The IAB log number was 12-30898.

CCRB Testimony

PO Lamatina was interviewed at the CCRB on April 3, 2012 (encl. 42-44). On August 28, 2011, at approximately 11:00 p.m., PO Lamatina and PO Defeo were conducting an investigation of a stolen vehicle which had previously been observed near the intersection of Cebra Avenue and Chester Place in Staten Island. The vehicle was a Lexus GX sport utility vehicle which is substantially larger than an Impala. The officers had been observing this vehicle parked in the vicinity of that intersection; however it had been moving only where the officers

were not working. The officers did not recover the vehicle when they observed it because they were attempting to catch the thief. PO Lamatina and PO Goodman switched vehicles. PO Goodman's original vehicle was also a black Impala.

PO Lamatina waited on Cebra Avenue while PO Defeo and PO Goodman waited on Chester Place. PO Defeo observed the stolen vehicle park near his location. PO Lamatina stopped his vehicle behind the stolen vehicle. PO Lamatina turned on his vehicle's turret lights. The driver of the stolen vehicle, known to the CCRB as § 87(2)(b) looked in his rearview mirror at PO Lamatina. § 87(2)(b) made a movement with his hands, but PO Lamatina could not describe that movement. § 87(2)(b) drove down Chester Place. Chester Place is a cul-de-sac which reconnects to Cebra Avenue. PO Lamatina followed § 87(2)(b) around the loop and radioed to PO Defeo and PO Goodman to inform them that § 87(2)(b) was approaching them. PO Defeo and PO Goodman drove toward § 87(2)(b) and used their vehicle to block the street so that § 87(2)(b) could not return to Cebra Avenue. § 87(2)(b) stopped the stolen vehicle in front of PO Defeo and PO Goodman's vehicle, and PO Lamatina stopped his vehicle behind the stolen vehicle. PO Defeo and PO Goodman exited their vehicle. PO Lamatina exited his vehicle, and pointed his gun at the stolen vehicle. PO Lamatina pointed his gun at the vehicle because he was concerned that § 87(2)(b) would drive the large stolen vehicle into the officer's vehicles. Additionally, PO Lamatina could not see § 87(2)(b)'s hands, and he did not know if § 87(2)(b) had any weapons. Grand larceny auto is a violent crime, and individuals who steal vehicles are known to possess weapons and fight police. Either PO Defeo or PO Goodman (PO Lamatina did not recall which) repeatedly told § 87(2)(b) to exit the vehicle and show the officers his hands. § 87(2)(b) did not respond. The officers called for assistance.

PO Defeo and PO Goodman opened the vehicle door using the handle. PO Defeo and PO Goodman grabbed § 87(2)(b) by the arms and pulled him out of the vehicle. § 87(2)(b) tried to prevent the officers from grabbing his arms, but PO Lamatina could not describe his specific actions. PO Lamatina did not grab § 87(2)(b) by the neck, and he did not see PO Defeo or PO Goodman grab § 87(2)(b) by the neck. The momentum of being pulled out of the vehicle which was so far above the ground, caused § 87(2)(b) to fall. The front of § 87(2)(b)'s torso made contact with the ground. PO Lamatina approached with his gun pointed at § 87(2)(b). When PO Lamatina was able to see § 87(2)(b)'s hands, he holstered his gun. § 87(2)(b) refused to give the officers his arms. He was kicking and pushing the officers, but only his pushes made contact with the officers. § 87(2)(b) also put his hands under his body. Using his hands, PO Lamatina held § 87(2)(b)'s legs down. § 87(2)(b) moved his body around. Either PO Defeo or PO Goodman (PO Lamatina did not recall which) grabbed § 87(2)(b)'s arms and handcuffed him. PO Lamatina did not strike § 87(2)(b) with his knee or any other part of his body. He did not see any officer strike § 87(2)(b) with his knee or any other part of his body. PO Lamatina did not have any other physical contact with § 87(2)(b) and he did not see any officer have other physical contact with him.

More than ten additional uniformed officers arrived. The additional officers transported § 87(2)(b) to the 120th Precinct stationhouse. PO Lamatina did not have any interaction with § 87(2)(b) at the stationhouse. § 87(2)(b) never complained of any injuries. At the time of his interview, PO Lamatina was shown that § 87(2)(b)'s arrest photo and the medical treatment of prisoner form document that § 87(2)(b) had a contusion and scrapes to his head and scrapes on his arms. PO Lamatina stated that § 87(2)(b) sustained injuries to his head when he fell out of the vehicle and injuries to his arm when he pulled his arms away from the officers. § 87(2)(b) never requested medical treatment from PO Lamatina or any other officer; however, it is the officers' policy to offer medical treatment to anyone who has injuries. EMS came to the stationhouse. PO Defeo offered § 87(2)(b) medical treatment, but § 87(2)(b) refused it. § 87(2)(b) signed the medical treatment of prisoner form which documented that he refused

medical treatment. PO Lamatina did not see any other officer interact with § 87(2)(b) at the stationhouse. At the time of his interview, PO Lamatina was shown the medical treatment of prisoner form Det. Muniz prepared for § 87(2)(b). Det. Muniz works for the Auto Larceny Unit and is automatically notified of any grand larceny auto arrests. PO Lamatina did not see Det. Muniz interview § 87(2)(b).

Witness Officer: PO JAYSON VALENTIN

Complaint Report

The complaint report which PO Valentin prepared on June 4, 2011 (encl. 55-56) records that § 87(2)(b) reported that his vehicle was stolen from in front of § 87(2)(b) in Staten Island. The vehicle was a § 87(2)(b). The vehicle was recovered, and § 87(2)(b) was arrested for grand larceny auto.

Witness Officer: DET. FERDINAND MUNIZ

- *Det. Ferdinand Muniz is § 87(2)(b) old. He is a Hispanic male who stands 5'9" tall, weighs 225 pounds, and has brown hair and hazel eyes.*

Arrest Reports

The two arrest reports which Det. Muniz prepared for § 87(2)(b) on August 29, 2011 (encl. 45-50) record that § 87(2)(b) made written confessions regarding the theft of vehicles on May 25, 2011 and June 17, 2012. In regards to both arrests, § 87(2)(b) was charged with § 87(2)(b).

Medical Treatment of Prisoner Form

The medical treatment of prisoner form which Det. Muniz prepared for § 87(2)(b) (encl. 51) records that § 87(2)(b) was rearrested and had preexisting abrasions to his face. § 87(2)(b) refused medical attention at the stationhouse. § 87(2)(b) signed this form.

Memo Book Entries

Det. Muniz's memo book (encl. 52-54) records that on August 29, 2011, at approximately 12:30 p.m. he debriefed § 87(2)(b). At 2:20 p.m., § 87(2)(b) was arrested twice for § 87(2)(b).

Medical Records

Medical records from the New York City Department of Health and Mental Hygiene (encl. 57-82) show that § 87(2)(b) told Medical personnel that he had never been assaulted. He was not diagnosed with or treated for any injuries.

NYPD Document

120th Precinct Command Log

The Command Log for August 28, 2011, records that at the time of his arrest, § 87(2)(b)'s physical and mental condition were "good" (encl. 93).

Arrest for Incident and Disposition

- On November 2, 2011, § 87(2)(b) pled guilty to criminal possession of stolen property in the fourth degree § 87(2)(b).

§ 87(2)(b)

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 21, 2012 with regard to the incident (encl. 111).

Civilian Criminal History

- [illegible]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 10).

Subject Officers CCRB History

- PO Defeo has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 8).
- PO Goodman has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 9).

Conclusion

Identification of Subject Officers

- PO Defeo acknowledged pointing his gun at § 87(2)(b) therefore, a gun pointed allegation has been pleaded against PO Defeo. § 87(2)(b) stated that the officer who broke the vehicle window also used physical force against him. PO Defeo acknowledged breaking the window of the stolen vehicle; therefore a physical force allegation has been pleaded against PO Defeo. § 87(2)(b) stated that the officer who refused to provide him medical treatment was his arresting officer who was in one of the Impalas which stopped him. PO Defeo was

the officer who arrested § 87(2)(b) at the scene of the vehicle stop, and he acknowledged discussing medical treatment with § 87(2)(b) therefore, a refusal to obtain medical treatment allegation has been pleaded against PO Defeo.

- PO Goodman acknowledged pointing his gun at § 87(2)(b) and using physical force against him; therefore gun pointed and physical force allegations have been pleaded against PO Goodman.

Investigative Findings and Recommendations

Allegations Not Pleased

§ 87(2)(g)

[REDACTED]

Allegation A – Force: PO Christopher Defeo pointed his gun at § 87(2)(b)

Allegation B – Force: PO Jason Goodman pointed his gun at § 87(2)(b)

It is undisputed that PO Defeo and PO Goodman pointed their guns at § 87(2)(b) PO Defeo and PO Lamatina stated that they feared for their safety because § 87(2)(b) could have used the large vehicle as a weapon. § 87(2)(g)

§ 87(2)(b) The officers also stated that § 87(2)(b) § 87(2)(b) drove recklessly in an attempt to flee from them, and § 87(2)(b)'s arrest report confirms this account. § 87(2)(g)

Police Department v. Gliner, OATH Index number 955/00 (September 6, 2000) (encl. 1-5), states, "The policy of the Department is that an officer can draw his firearm and point it at another person so long as he has a reasonable fear for his own or another's personal safety." The case further states that officers were justified in pointing their guns at an individual who had been stopped after driving recklessly because of the fear that the driver might strike them with the vehicle. § 87(2)(g)

Allegation C – Force: PO Jason Goodman used physical force against § 87(2)(b)

Allegation D – Force: PO Christopher Defeo used physical force against § 87(2)(b)

§ 87(2)(b) stated that PO Goodman pulled him out of the vehicle by his neck and brought him to the ground. § 87(2)(b) did not resist arrest, but PO Goodman and PO Defeo repeatedly kned him in the face. § 87(2)(b)'s initial complaint states that § 87(2)(b) told her that officers struck him with closed fists, batons, and guns. § 87(2)(b)'s arrest photos show that he has a laceration on the left side of his forehead and his right cheek. He had a bump on the right side of his forehead. PO Defeo stated that he did not have any physical contact with § 87(2)(b) PO Defeo stated that PO Goodman pulled § 87(2)(b) out of the vehicle;

however, he did not see this action take place. PO Lamatina stated that PO Goodman grabbed § 87(2)(b) by the arms in order to remove him from the vehicle. PO Goodman stated that § 87(2)(b) exited the vehicle of his own volition, pushed PO Goodman backwards, and attempted to flee. PO Goodman tackled § 87(2)(b) and they both fell to the ground. PO Goodman denied grabbing § 87(2)(b) by the neck or striking § 87(2)(b) with a knee. Medical records from the Department of Mental Health and Hygiene showed that § 87(2)(b) did not receive any medical treatment in addition to the standard assessment prepared for all prisoners arriving at Riker's Island. He did not complain of any injuries, and when asked if he had ever been assaulted he said that he had not. He was not diagnosed with or treated for any injuries.

§ 87(2)(g)

Patrol Guide Procedure 203-11 states that officers are required to use the minimal necessary force to effect an arrest (encl. 6-7). § 87(2)(g)

Allegation E – Abuse of Authority: PO Christopher Defeo did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that he asked PO Defeo for medical treatment, and PO Defeo told him that he did not need a doctor. PO Defeo used unspecified methods to make § 87(2)(b) sign a form stating that he had refused medical attention. He did not state that he was forced to sign any other forms. § 87(2)(b) requested medical treatment from PO Defeo a second time, and PO Defeo ignored him. § 87(2)(b) received medical treatment for his injuries at Riker's Island. PO Defeo stated that he offered § 87(2)(b) medical treatment and he refused it. The medical treatment of prisoner form which PO Defeo prepared, and which § 87(2)(b) signed, confirms this account. The medical treatment of prisoner form prepared later by Det. Muniz, and which § 87(2)(b) signed, also shows that § 87(2)(b) refused medical attention. Medical records show that § 87(2)(b) did not request treatment for his injuries when being interviewed by medical personnel at Riker's Island.

§ 87(2)(g)

Team: 4

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Investigator: _____	Chanan Berkovits	June 7, 2012
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date